

PHCB 06-01 (HBs 515 and 589)

ORIGINAL

2006

1 A bill to be entitled

2 An act relating to resale of tickets; amending s. 817.36,  
3 F.S.; increasing the maximum amount above retail price for  
4 which specified tickets may be resold without violating  
5 statute; providing an exception to the criminal penalty  
6 for resale of tickets authorized by the original seller;  
7 providing an exception to the criminal penalty for resale  
8 of certain tickets through an Internet website in  
9 specified circumstances; providing for sales tax  
10 collection on ticket resales; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsection (2) of section 817.36, Florida  
15 Statutes, is amended to read:

16 817.36 Resale of tickets of common carriers, places of  
17 amusement, etc.--

18 (2)(a) Whoever shall resell or offer for resale ~~sale or~~  
19 ~~sell~~ any ticket good for admission to any sporting exhibition,  
20 athletic contest, theater, or other any exhibition, or to any  
21 theme, amusement, or recreation park or entertainment complex,  
22 where an admission price is charged and request or receive a  
23 price in excess of 25% ~~\$1~~ above the retail admission price  
24 charged therefor by the original seller of the ~~said~~ ticket  
25 commits ~~shall be guilty of~~ a misdemeanor of the second degree,  
26 punishable as provided in s. 775.082 or s. 775.083.

27 (b) The provisions of paragraph (a) shall not prohibit  
28 the resale or offer for resale of a ticket, at any price, if

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29 such resale or offer is authorized by the ticket's original  
30 seller.

31 (c) The provisions of paragraph (a) also shall not  
32 prohibit the resale or offer for resale of a non-park ticket, at  
33 any price, if such resale or offer is made through an Internet  
34 website and the website operator makes and posts the following  
35 guarantees and disclosures to which a prospective purchaser is  
36 directed before completion of the resale transaction:

37 1. The website operator guarantees a full refund of the  
38 amount paid for the ticket if:

39 a. The ticketed event is cancelled;

40 b. The purchaser is denied admission to the ticketed  
41 event, unless such denial is due to the action or omission of the  
42 purchaser; or

43 c. The ticket is not delivered to the purchaser in the  
44 manner requested and pursuant to any delivery guarantees made by  
45 the reseller and such failure results in the purchaser's  
46 inability to attend the ticketed event.

47 2. The website operator discloses through Internet web  
48 pages on which are visibly posted text, or links to web pages on  
49 which are posted text that it is not the issuer, original seller,  
50 or reseller of the ticket or items and does not control the  
51 pricing of the ticket or items, which may be resold for more than  
52 its original value.

53  
54 A refund under subparagraph 1. shall include any servicing,  
55 handling, or processing fees unless such fees are declared non-  
56 refundable under the terms of the guarantee. For purposes of  
57 this paragraph, "non-park ticket" means a ticket that is not for

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58 admission to a theme, amusement, or recreation park or  
59 entertainment complex or to a permanent exhibition or  
60 recreational activity within such a park or complex.

61 (d)(b) The provisions of paragraph (a) ~~this subsection~~  
62 shall apply to travel agencies that have an established place of  
63 business in this state, which place of business is required to  
64 pay state, county, and city occupational license taxes, unless  
65 such agencies are registered sellers of travel pursuant to part  
66 XI of chapter 559 and adhere to the restriction of selling said  
67 tickets as part of the travel packages specified in that part,  
68 and such travel agencies are reselling said tickets on behalf of  
69 the original sellers of said tickets. When any original seller of  
70 tickets provides a travel agency with tickets in bulk, the travel  
71 agent shall be deemed to be reselling the tickets on behalf of  
72 the original seller.

73 (e) Sales tax for any resales under subsection (2) shall be  
74 remitted to the Department of Revenue in accordance with s.  
75 212.04.

76 Section 2. This act shall take effect July 1, 2006.